

★ APR 23 2009 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GARY MARTIN,

Plaintiff,

-against-

THE CITY OF NEW YORK, POLICE COMMISSIONER
RAYMOND KELLY, INSPECTOR DAVID BARRERE,
DETECTIVE NIURCA QUINONES, DETECTIVE
BRIAN LATIMORE, POLICE OFFICER ANDREW
PAYNE, JOHN DOE POLICE OFFICERS #1-3,

Defendants.
----- x

**STIPULATION AND ORDER
OF SETTLEMENT AND
DISMISSAL**

08 Civ 2815 (SLT)(MDG)

WHEREAS, plaintiff commenced this action by filing a complaint on or about July 15, 2008, alleging that defendants violated plaintiff's federal civil and state common law rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed against defendants, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff Gary Martin Ten Thousand (\$10,000.00) Dollars in full satisfaction of all of his claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against defendants and to release the defendants and any present or former

employees and agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action which were or could have been alleged in this action, including claims for costs, expenses and attorneys' fees.

3. Plaintiff shall execute and deliver to defendant City of New York's attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, or any agency thereof.

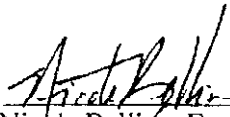
6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered

into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
April 9, 2009

STOLL GLICKMAN & BELLINA, P.C.
Attorney for Plaintiff
71 Nevins Street,
Brooklyn, NY 11217
(718) 852-4491

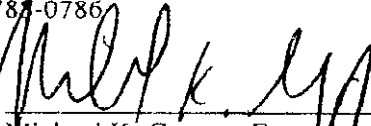
By:



Nicole Bellina, Esq.
Attorney for Plaintiff

MICHAEL A. CARDOZO
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City of New York
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Raymond Kelly, David Barrere, Niorca Quinones,
Brian Latimore and Andrew Payne
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(212) 787-0786

By:



Michael K. Gertzer, Esq.
Assistant Corporation Counsel

SO ORDERED:

April 22, 2009

s/ SLT

U.S.D.J.